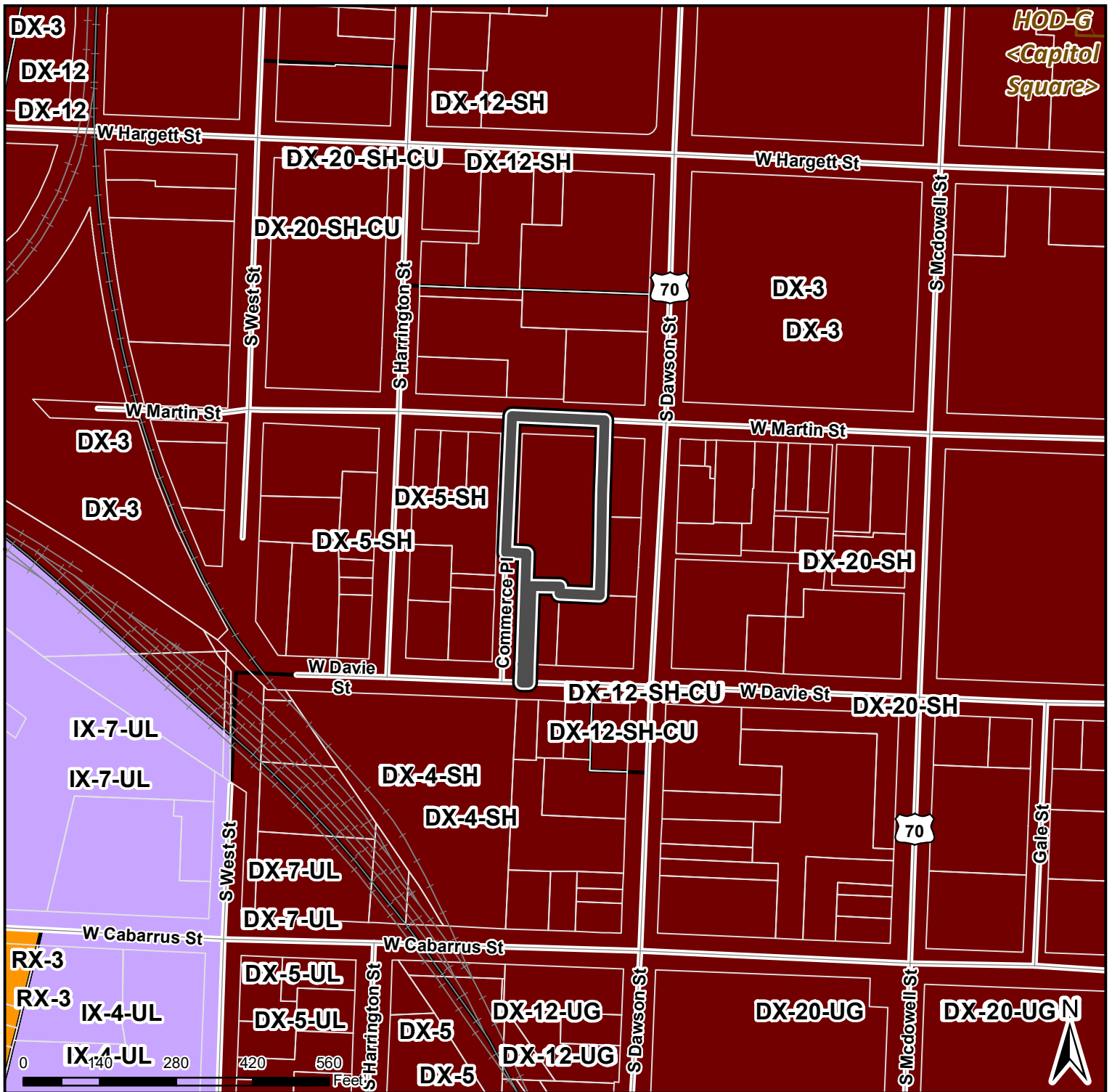
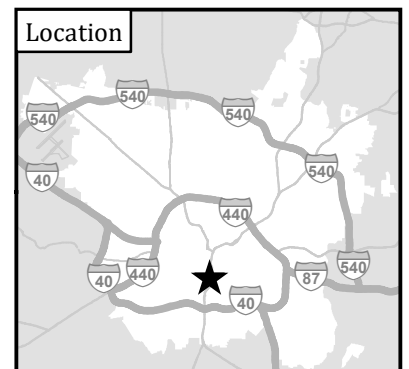


# Existing Zoning

# Z-36-2018



<b>Property</b>	307, 309, 311, & 313 W Martin St
<b>Size</b>	0.99 acres
<b>Existing Zoning</b>	DX-5-SH
<b>Requested Zoning</b>	DX-12-SH-CU





Raleigh

## MEMO

TO: Ruffin L. Hall, City Manager

FROM: Ken Bowers AICP, Director  
John Anagnost, Planner II

DEPARTMENT: City Planning

DATE: June 5, 2019

SUBJECT: City Council agenda item for June 18, 2019 – Z-36-18

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On June 4, 2019, City Council opened the public hearing for the following item, referred the item to the Growth and Natural Resources committee, and continued the public hearing to June 18, 2019:

**Z-36-18 W. Martin Street**, at the southeast corner of its intersection with Commerce Pl, being Wake County PIN 1703575747. Approximately 0.99 acres are requested by 4DH Partnership to be rezoned.

**Current zoning:** Downtown Mixed Use-5 Stories-Shopfront (DX-5-SH)

**Requested zoning:** Downtown Mixed Use-12 Stories-Shopfront-Conditional Use (DX-12-SH-CU)

Revised zoning conditions were submitted on March 18 which require existing historic structures to remain except in the event of disaster, require buildings replacing historic structures to be similar in materials and reviewed by the RHDC COA committee, limit height to five stories in the area of the existing structures, require review by the RHDC COA committee for new construction above historic structures, require exterior materials for new construction visible from the right of way to match the surrounding historic character, prohibit certain uses, require a dog waste station, require 50% of Outdoor Amenity area to be open to the public, and require screening of structure parking.

The request is **consistent** with the Future Land Use Map.

The request is **consistent** with the Comprehensive Plan.

The **Planning Commission** voted to recommend approval of the request (8-1). The vote against the recommendation was based on a desire for a condition requiring a stepback from W. Martin Street for additions above the existing buildings.

The **Central CAC** voted on February 4, 2019 to recommend approval of the case if conditions were offered that required outdoor amenity area to be open to the public, required screening of parking, allow the Group Home use, and require the outdoor amenity area to include amenities for pets. The vote was nine in favor, two against, and one abstention (9-2-1).

Attached are the Planning Commission Certified Recommendation (including Staff Report and Traffic Study Worksheet), the Zoning Conditions, the Petition for Rezoning, and the Neighborhood Meeting Report.

Municipal Building  
222 West Hargett Street  
Raleigh, North Carolina 27601

One Exchange Plaza  
1 Exchange Plaza, Suite 1020  
Raleigh, North Carolina 27601

City of Raleigh  
Post Office Box 590 • Raleigh  
North Carolina 27602-0590  
(Mailing Address)



# CERTIFIED RECOMMENDATION

Raleigh Planning Commission

CR# 11901

**CASE INFORMATION: Z-36-18 WEST MARTIN STREET**

Location	W. Martin Street, at the southeast corner of its intersection with Commerce Place Address: 307, 309, 311, and 313 West Martin Street PIN: 1703575747 <a href="#">iMAPS</a> , <a href="#">Google Maps</a> , <a href="#">Directions from City Hall</a>
Request	Rezone property from DX-5-SH to DX-12-SH-CU
Area of Request	0.99 acres
Corporate Limits	The rezoning site is within Raleigh's corporate limits.
Property Owner	4DH Partnership 311 ½ West Martin Street Raleigh, NC 27601
Applicant	Steven D. Schuster, FAIA 311 West Martin Street, Suite 200 Raleigh, NC 27601
Citizens Advisory Council (CAC)	Central CAC Chair: Brad Johnson bradamj@gmail.com
PC Recommendation Deadline	April 29, 2019

**COMPREHENSIVE PLAN CONSISTENCY**

The rezoning case is  **Consistent**  **Inconsistent** with the 2030 Comprehensive Plan.

**FUTURE LAND USE MAP CONSISTENCY**

The rezoning case is  **Consistent**  **Inconsistent** with the Future Land Use Map.

**COMPREHENSIVE PLAN GUIDANCE**

<b>FUTURE LAND USE</b>	Community Mixed Use
<b>URBAN FORM</b>	Downtown
<b>CONSISTENT Policies</b>	Policy LU 1.2—Future Land Use Map and Zoning Consistency Policy LU 1.3—Conditional Use District Consistency Policy LU 4.7—Capitalizing on Transit Access Policy LU 4.8—Station Area Land Uses Policy LU 7.6—Pedestrian-Friendly Development Policy UD 1.10—Frontage Policy UD 5.1—Contextual Design

	Policy UD 7.3—Design Guidelines Policy HP 1.2—Cultural and Historic Resource Preservation Policy HP 2.4—Protecting Historic Neighborhoods Policy HP 2.7—Mitigating Impacts on Historic Sites Policy HP 3.2—Retention Over Replacement Policy HP 3.4—Context Sensitive Design Policy DT 1.6—Supporting Retail Growth Policy DT 1.15—High Density Development Policy DT 3.2—Ground Floor Uses on Secondary Retail Streets Policy DT 7.2—Maintaining Consistent Setbacks Policy DT 7.3—Streetwalls Policy AP-DWG 2 – Mixed-Use Development Policy AP-DWG 4 – Historic Preservation Policy AP-DWG 11 – Development Character and Design
<b><i>INCONSISTENT Policies</i></b>	Policy LU 5.1—Reinforcing the Urban Pattern Policy LU 7.4—Scale and Design of New Commercial Uses Policy AP-DWG 1 – Zoning Consistency

***SUMMARY OF PROPOSED CONDITIONS***

1. Requires existing National Register contributing structures to remain.
2. Allows for removal of historic structures in the event of disaster. Requires replacement buildings to be of similar massing and materials.
3. Limits height to five stories in the area of the existing structures. Requires new construction above the existing buildings to be reviewed by the RHDC COA committee.
4. Requires exterior materials for new construction visible from the right-of-way to match materials of other historic structures in the National Register district.
5. Prohibits Social Service uses.
6. Prohibits Adult Entertainment and Pawn Shop uses.
7. Prohibits Self-Service Storage and Vehicle Repair uses.
8. Requires a dog waste station.
9. Requires 50% of outdoor amenity area to be open to the public.
10. Requires screening of structure parking.

***PUBLIC MEETINGS***

<b><i>Neighborhood Meeting</i></b>	<b><i>CAC</i></b>	<b><i>Planning Commission</i></b>	<b><i>City Council</i></b>
11/15/2018; (5 attendees)	12/3/2018; 1/7/2019	1/29/2019; 2/28/2019 (COW); 3/28/2019 (COW); 4/9/2019	4/16/2019; 6/4/2019

*PLANNING COMMISSION RECOMMENDATION*

The rezoning case is **Consistent** with the relevant policies in the Comprehensive Plan, and **Approval** of the rezoning request is reasonable and in the public interest.

The rezoning case is **Consistent** with the relevant policies in the comprehensive Plan, but **Denial** of the rezoning request is reasonable and in the public interest.

The rezoning is **Inconsistent** with the relevant policies in the Comprehensive Plan, and **Denial** of the rezoning request is reasonable and in the public interest.

The rezoning case is **Inconsistent** with the relevant policies in the Comprehensive Plan, but **Approval** of the rezoning request is reasonable and in the public interest due to changed circumstances as explained below. Approval of the rezoning request constitutes an amendment to the Comprehensive Plan to the extent described below.

Reasonableness and Public Interest	The request is consistent with the Comprehensive Plan and the Future Land Use Map. It preserves historic resources and allows density in an area where it will support transit investments.
<i>Recommendation</i>	Approve. City Council may now schedule this proposal for a public hearing or refer it to committee for further study and discussion.
<i>Motion and Vote</i>	Motion: Hicks Second: Braun In Favor: Braun, Hicks, Jeffreys, Lyle, Mann, McIntosh, Novak, and Swink Opposed: Geary
<i>Reason for Opposed Vote(s)</i>	Desire for a stepback from W. Martin Street for additions above the existing buildings.

*ATTACHMENTS*

1. Staff report
2. Comprehensive Plan Amendment Analysis

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the attached Staff Report and Comprehensive Plan Amendment Analysis.

\_\_\_\_\_ Date  
Planning Director

\_\_\_\_\_ Date  
Planning Commission Chairperson

Staff Coordinator: John Anagnost: (919) 996-2638; [John.Anagnost@raleighnc.gov](mailto:John.Anagnost@raleighnc.gov)



## ZONING STAFF REPORT – CASE Z-36-18

### *CONDITIONAL USE DISTRICT*

## OVERVIEW

The proposal is to rezone one parcel with an area of 0.99 acres at the southeast corner of W. Martin Street and Commerce Place. Two buildings are present on the site. Both are two-story, brick, commercial buildings. One was constructed in 1916, the other in 1925.

The proposed rezoning is located in the southwest corner of the central business district in close proximity to the NC Railroad corridor. Raleigh Union Station and the Raleigh Contemporary Art Museum are located west of the site on W. Martin Street. The existing land uses on W. Martin Street are a mix of residential, retail, restaurant, and office.

Nash Square lies 200 feet to the east on the north side of W. Martin Street. The Raleigh Convention Center and Red Hat Amphitheater are located two blocks south on the east side of S. Dawson Street. A National Register Historic District, called the Depot Historic District, includes the block containing the site as well as the two blocks to the east and west and the block to the south. Dix Park is located approximately one-half mile to the southwest.

The Depot Historic District was nominated for National Register recognition in 2002 due to the industrial character of the district and the corresponding built form displayed by the structures there. At that time, there were 27 structures contributing to the integrity of the district. Part of that integrity, as described in the nomination, was height “ranging from one to three-stories.”

Of 27 contributing structures in the 2002 nomination, 15 were one-story buildings. According to the nomination, this area serves as a “transition between the high-rise office buildings and institutional buildings of the central business district and the residential area to the west.” In 2017, a boundary expansion for the district was requested and approved. The expansion added three contributing structures on S. West Street to the district. The two existing buildings within the rezoning area are contributing structures to the Depot Historic District.

The Future Land Use Map designation for the site is Community Mixed Use. This designation calls for medium and high density residential, office, shopping center, and mixed-use developments. The recommended zoning district for this designation is Commercial Mixed Use (CX). The rezoning site is within the Downtown Center on the Urban Form Map. Urban Frontages are suggested in the Downtown Center. Heights of up to 12 stories are recommended in areas of Community Mixed Use that are also within a quarter mile of a transit stop such as Raleigh Union Station.

The existing zoning for the site and the surrounding area is Downtown Mixed Use (DX) with a variety of height designations. Urban Frontages are present for nearly all of the nearby DX districts. Other zoning districts; including Industrial Mixed Use (IX), Neighborhood Mixed Use (NX), and Residential Mixed Use (RX); are present to the southwest of the site as the downtown area transitions to Boylan Heights and Dix Park.

The rezoning site is zoned Downtown Mixed Use-5 Stories-Shopfront (DX-5-SH). The request is to increase the height to twelve stories and add conditions. The offered conditions require the existing buildings to remain in place and prohibit several uses.

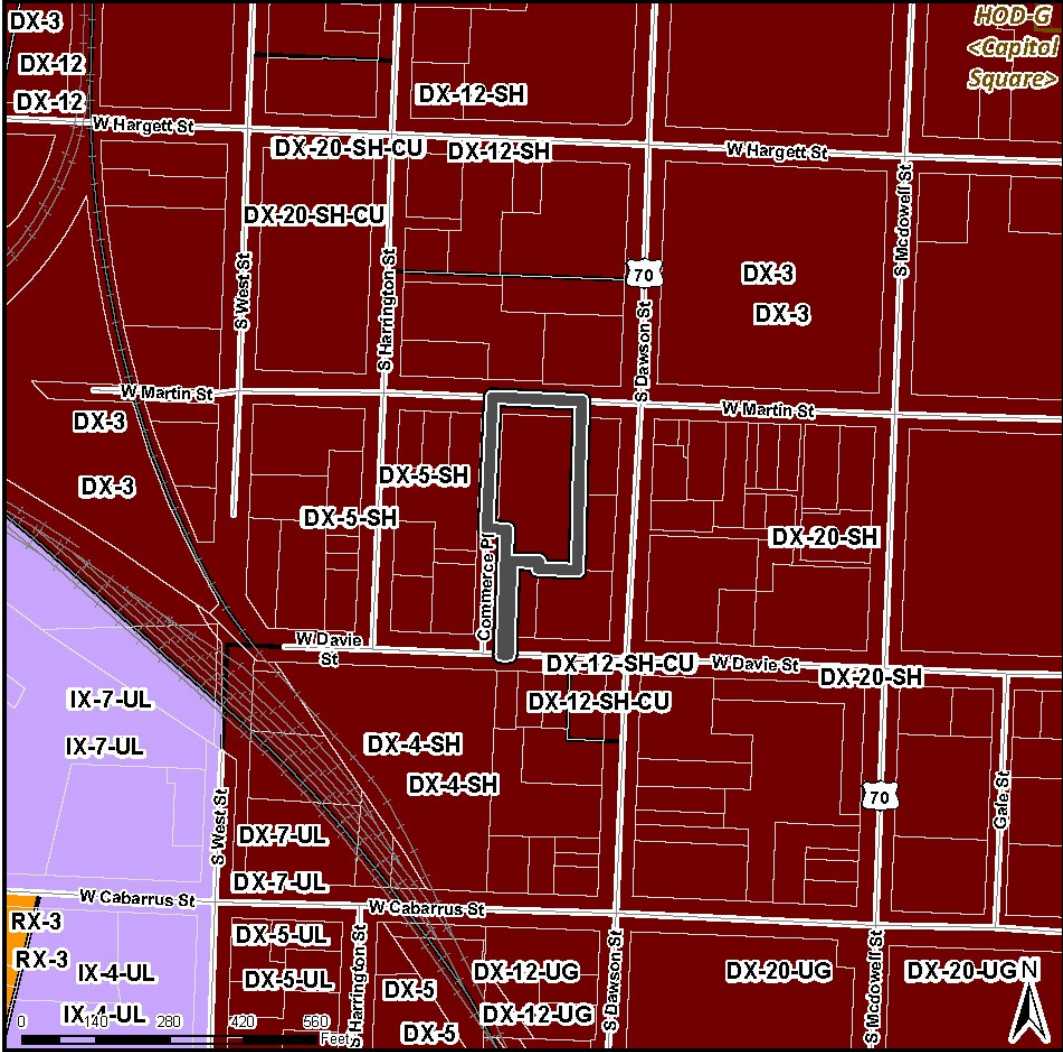
**Update for March 28:** Revised conditions were submitted on March 18 and added a number of site design requirements. In addition to the previously offered conditions, the newly offered conditions include requirements for materials used in new construction to match contributing structures in the National Register district. Existing structures may only be removed if they are unintentionally damaged beyond 50% of their value. According to the offered conditions, a covenant must be recorded to require new construction above the existing structures to undergo review by the Raleigh Historic Developments Commission. A pet waste station is required, and 50% of the outdoor amenity area must be open to the public. Structure parking is required by the conditions to be screened.

**Update for April 9:** The Raleigh Historic Developments Commission (RHDC) has written a letter of support for the request. The letter states that RHDC is still concerned that comments produced during a review by the COA committee cannot be enforced during site plan review. RHDC also indicated that the proposed height of 12 stories is generally not appropriate for the Depot Historic District and that seven stories would be the maximum height that could be considered compatible with the context. The Committee of the Whole voted to recommend approval of the request with a vote of 4 to 2.

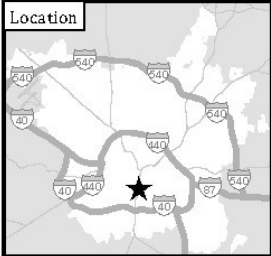
*OUTSTANDING ISSUES*

Outstanding Issues	1. Some conditions may present enforcement issues due to subjective wording.	Suggested Mitigation	1. Revise conditions with more objectively enforceable wording.
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# Existing Zoning Z-36-2018



<b>Property</b>	307, 309, 311, & 313 W Martin St
<b>Size</b>	0.99 acres
<b>Existing Zoning</b>	DX-5-SH
<b>Requested Zoning</b>	DX-12-SH-CU

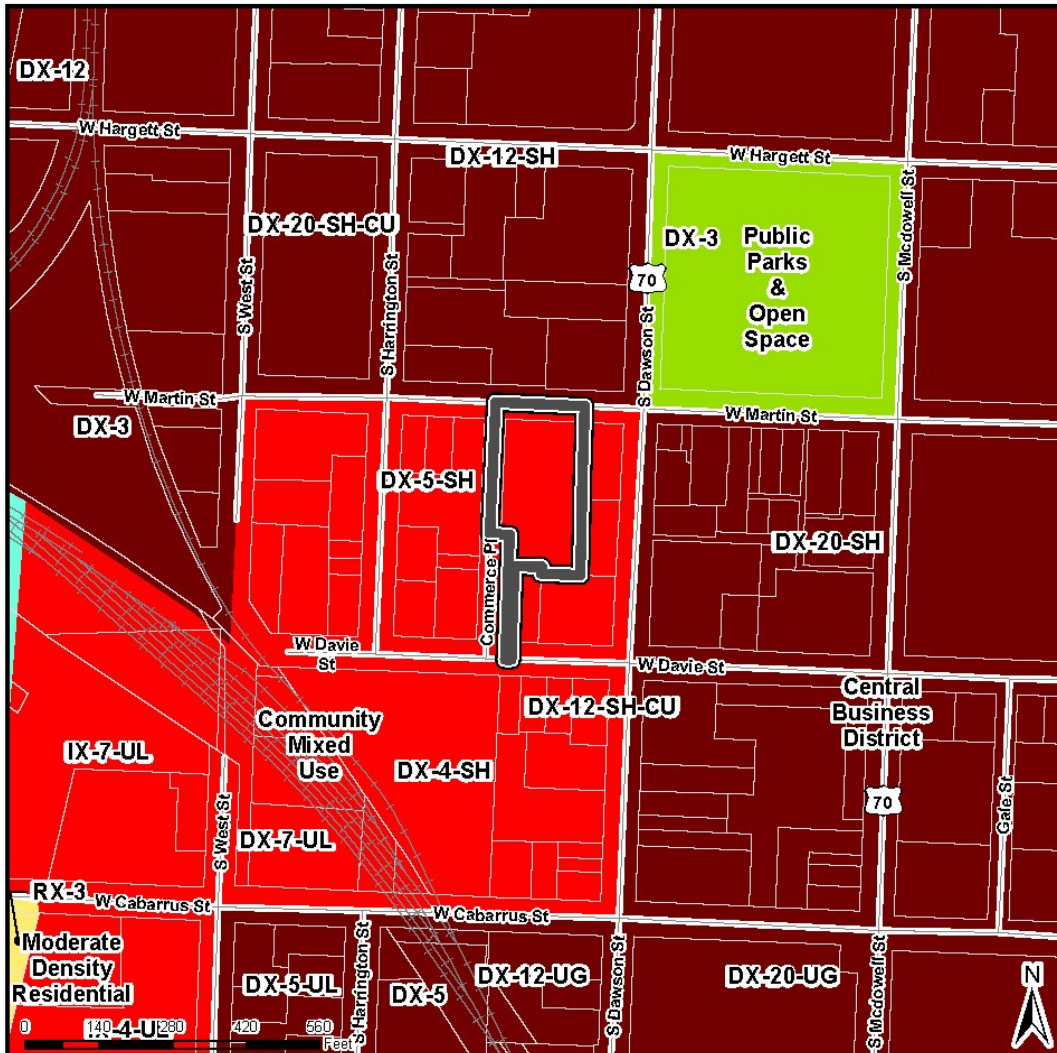


Map by Raleigh Department of City Planning (title): 12/5/2018

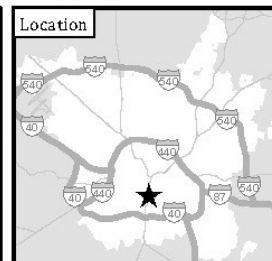


# Future Land Use

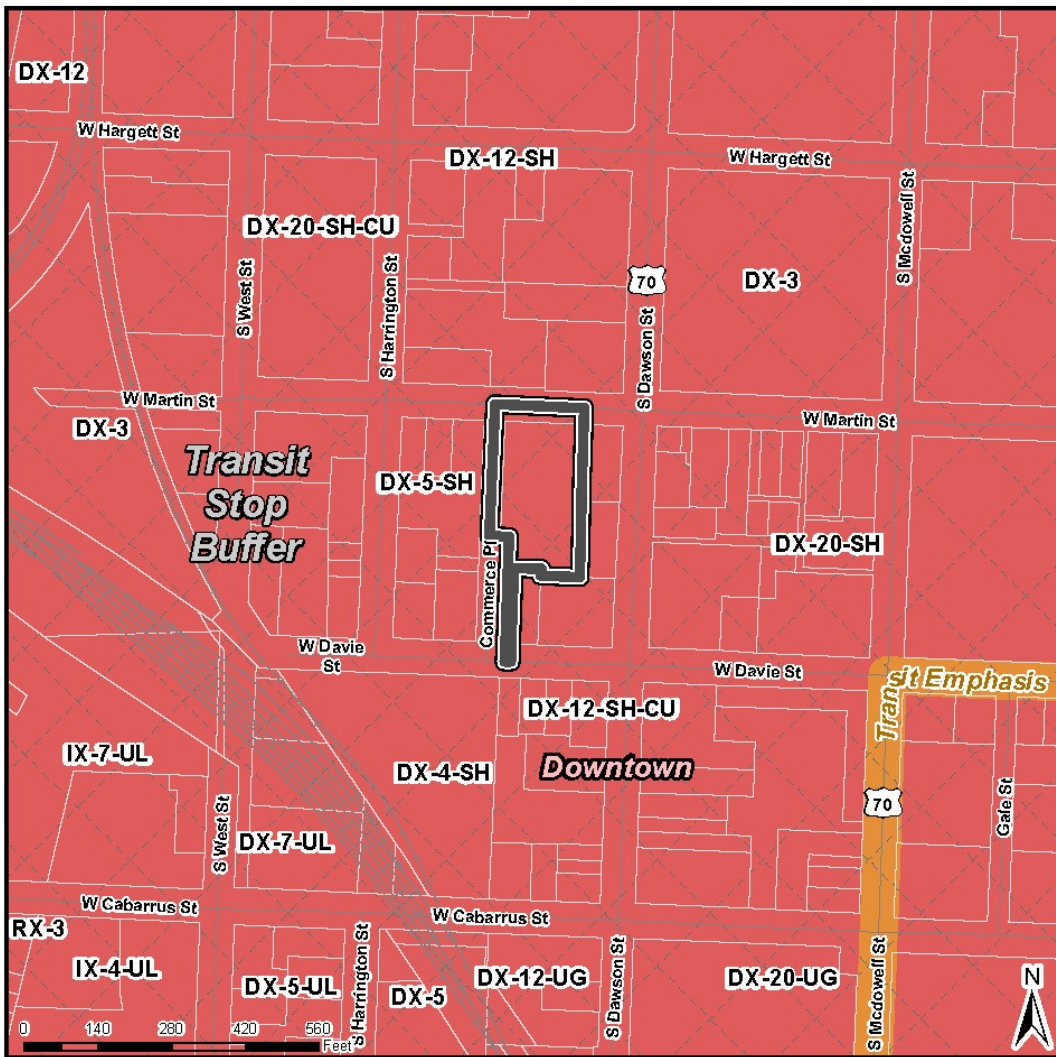
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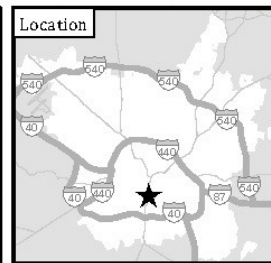
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Map by Raleigh Department of City Planning (littlek); 12/5/2018



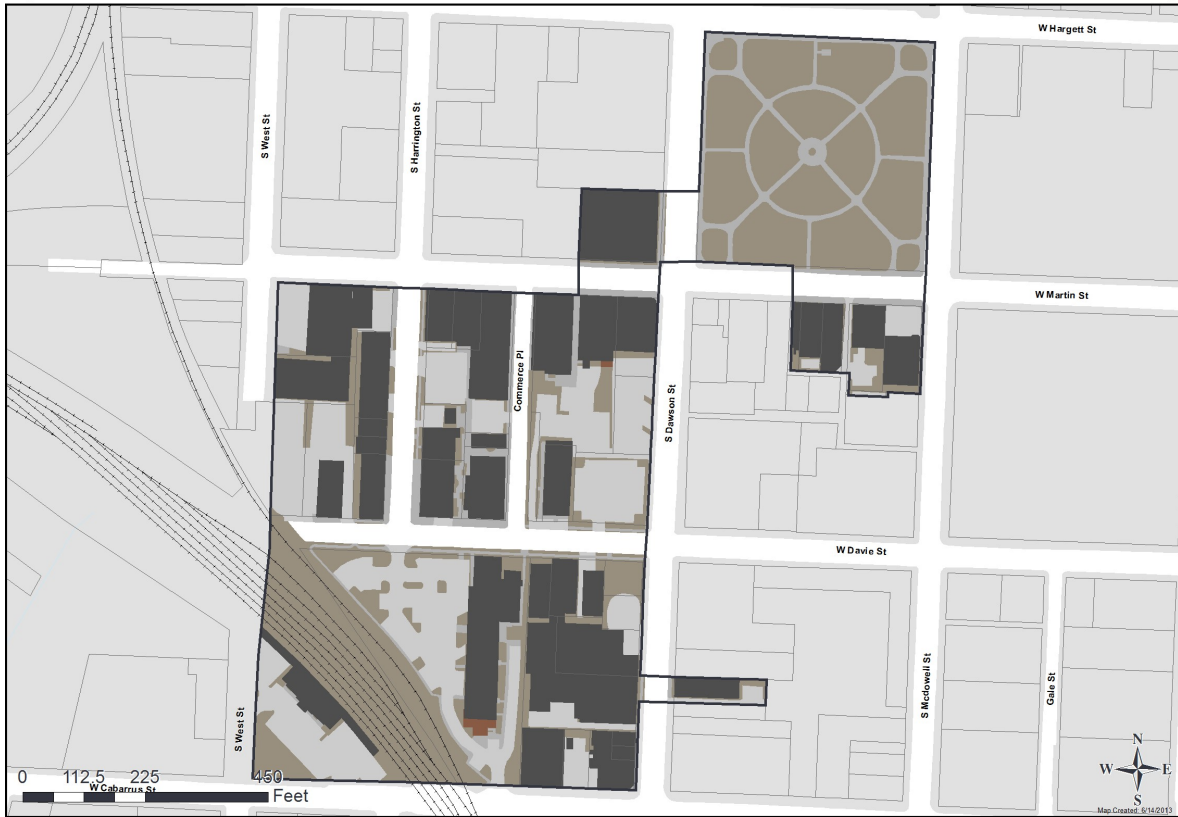
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<b>Requested Zoning</b>	DX-12-SH-CU



Map by Raleigh Department of City Planning (little); 12/5/2018



# Depot Historic District



## COMPREHENSIVE PLAN

Determination of the conformance of a proposed use or zone with the Comprehensive Plan includes consideration of the following questions:

- A. Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?

*Yes, the proposed zoning is consistent with the vision theme of Economic Prosperity and Equity by allowing additional commercial development in downtown. It is consistent with the Managing Our Growth and Coordinating Land Use and Transportation vision themes by allowing greater density in proximity to a future multi-modal facility.*

*The request is also consistent with the Growing Successful Neighborhoods and Communities Vision Theme because conditions have been offered which will require existing historic resources to be preserved as well as requiring new development on the site to include design elements that match the character of the historic district.*

*Multiple policies relating to massing and character of new development in relation to existing development are supported by the request. It is consistent with many policies in the Comprehensive Plan by continuing to activate the street as well as allowing for greater density and a mix of uses in a walkable, urban area with access to multi-modal transportation networks.*

*The proposal is inconsistent with policies calling for low height in areas where that is the prevailing character, particularly the land use guidance from the Downtown West Gateway area plan.*

- B. Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?

*Yes, the proposed zoning allows uses that are appropriate in the Community Mixed Use designation. Conditions have been offered such that allowed uses would closely match those allowed in CX districts.*

- C. If the use is not specifically designated on the Future Land Use Map in the area where its location is proposed, is it needed to service such a planned use, or could it be established without adversely altering the recommended land use and character of the area?

*Not applicable. The uses allowed by the proposed zoning are specifically designated by the Future Land Use Map.*

- D. Will community facilities and streets be available at City standards to serve the use proposed for the property?

*Yes. Community facilities and streets are available at City standards and would support the zoning proposed.*

### Future Land Use

#### **Future Land Use designation: Community Mixed Use**

##### **The rezoning request is:**

**Consistent** with the Future Land Use Map.

**Inconsistent**

*Analysis of Consistency: The proposed zoning is consistent with the use profile described in the Future Land Use map designation. An offered condition prohibits those uses which are allowed in DX but not in CX, making the use profile for the proposed district match the uses recommended by the Future Land Use Map.*

*The case is also consistent with the height recommendation of the Future Land Use map, which calls for heights “generally. . .in the three to five story range” but allows for taller heights near fixed-guideway transit stops. The proximity to Raleigh Union Station improves the consistency of the proposed height.*

*The site is not in the core of downtown, where 12 stories would be most consistent with the Future Land Use map guidance. A height of 12 stories also enables development that would be inconsistent with the “appropriate transitions” and “pedestrian-friendly relationship to the public realm” called for by Community Mixed Use.*

*Overall, the proposed height is consistent but would be more consistent if conditions were offered to reduce the allowed height.*

### Urban Form

#### **Urban Form designation: Downtown**

##### **The rezoning request is:**

**Not applicable** (no Urban Form designation)

**Consistent** with the Urban Form Map.

**Inconsistent**

*Analysis of Consistency: The proposed Shopfront frontage is an urban frontage that creates a desirable pedestrian space similar to what is found in most of the surrounding downtown context. The required build-to enhances the urban fabric and activates the street. Ground floor height, pedestrian entrance, and transparency*

*requirements increase visual interest and further improve the pedestrian experience. The Shopfront frontage aligns the build-to with adjacent zoning, which also has a Shopfront frontage.*

### Compatibility

**The proposed rezoning is:**

**Compatible** with the property and surrounding area.

**Incompatible.**

*Analysis of Compatibility: The proposed zoning district of Downtown Mixed Use is the same as the existing zoning. It allows uses appropriate to the downtown area. The proposed frontage would continue to activate the street in a similar fashion to neighboring developments.*

*The proposed height is incompatible with the historic context of the Depot Historic District. The Unified Development Ordinance requires a setback between the third and seventh floor of any building eight to twelve stories in height. Such a setback would only partially mitigate incompatibility with the historic character.*

*The condition requiring COA committee approval of construction above the historic buildings is likely to lead to a setback from W. Martin Street. The lack of certainty of the COA committee review could be mitigated by a condition requiring a setback.*

*The request is compatible but greater compatibility would be achieved through a lower proposed height and/or a proposed setback from W. Martin Street.*

### Public Benefits of the Proposed Rezoning

The proposed zoning would allow additional density on the rezoning site, potentially creating more housing employment, and options for goods and services.

### Detriments of the Proposed Rezoning

The proposed zoning would allow for development that is significantly taller than the prevailing character in the Depot Historic District.

## Policy Guidance

The rezoning request is **consistent** with the following policies:

### **Policy LU 1.2—Future Land Use Map and Zoning Consistency**

The Future Land Use Map shall be used in conjunction with the Comprehensive Plan policies to evaluate zoning consistency including proposed zoning map amendments and zoning text changes.

*The Future Land Use map recommends Commercial Mixed Use for the rezoning site. The proposed zoning matches the Future Land Use Map by offering conditions that prohibit uses that are allowed in DX but not in CX.*

### **Policy LU 1.3—Conditional Use District Consistency**

All conditions proposed as part of a conditional use district (CUD) should be consistent with the Comprehensive Plan.

*The offered conditions are consistent with the Future Land Use Map recommendations for the rezoning site by limiting use to those considered appropriate for Community Mixed Use. The conditions also support policies calling for preservation of historic resources.*

### **Policy LU 4.7—Capitalizing on Transit Access**

Sites within a half-mile of planned and proposed fixed guideway transit stations should be developed with intense residential and mixed uses to take full advantage of and support the City and region's investment in transit infrastructure.

*The proposal would allow additional density close to Raleigh Union Station.*

### **Policy LU 4.8—Station Area Land Uses**

Complementary mixed uses, including multi-family residential, offices, retail, civic, and entertainment uses, should be located within transit station areas.

*The proposal allows a mix of uses close to Raleigh Union Station.*

### **Policy LU 7.6—Pedestrian-Friendly Development**

New commercial developments and redeveloped commercial areas should be pedestrian-friendly.

*The proposed frontage continues the existing streetwall and activates the street, creating a pedestrian-friendly space.*

### **Policy UD 1.10—Frontage**

Coordinate frontage across multiple sites to create cohesive places. Encourage consistency with the designations on the Urban Form Map. Development in centers and along corridors targeted for public investment in transit and walkability should use a compatible urban form.

*The request includes an urban frontage which is consistent with the Urban Form designation of Downtown. The proposed Shopfront frontage matches the frontage of adjacent properties, enabling a cohesive pedestrian experience. This frontage also supports walkability by requiring pedestrian entrances and transparency as well as by restricting the location of parking.*

### **Policy UD 5.1—Contextual Design**

Proposed development within established neighborhoods should create or enhance a distinctive character that relates well to the surrounding area.

*The proposed conditions that prohibit removal of the existing structures and require new construction to match the historic character encourage development of the site in a way that enhances the Depot District's character.*

### **Policy UD 7.3—Design Guidelines**

The design guidelines in Table UD-1 shall be used to review rezoning petitions and development applications for mixed-use developments; or rezoning petitions and development applications along Main Street and Transit Emphasis corridors; or in City Growth, TOD and Mixed-Use centers, including preliminary site and development plans, petitions for the application of the Pedestrian Business or Downtown Overlay Districts, Planned Development districts, and Conditional Use zoning petitions.

*The proposed Shopfront frontage is an urban frontage that is consistent with the Urban Design Guidelines. The relation of the building to the street in the Shopfront frontage conforms to Urban Design Guidelines 6, 8, 12, 23, and 24. The required build-to on both streets will ensure a defined urban space that provides interest to pedestrians and has a primary entrance on the primary public street. The transparency requirement of the DX district conforms with guideline 25. The proximity to Raleigh Union Station satisfies guideline 17.*

### **Policy HP 1.2—Cultural and Historic Resource Preservation**

Identify, preserve, and protect cultural and historic resources including buildings, neighborhoods, designed and natural landscapes, cemeteries, streetscapes, view corridors, and archaeological resources.

*A zoning condition is offered which require historic structures to remain in place.*



### **Policy HP 2.4—Protecting Historic Neighborhoods**

Protect the scale and character of the City’s historic neighborhoods while still allowing compatible and context-sensitive infill development to occur.

*The offered conditions require retention of existing historic structures. Materials used in new construction are also required by conditions to reflect the character of the Depot District. A condition has been included that requires approval by the RHDC Certificate of Appropriateness committee for new construction above the existing buildings. These conditions help to ensure that new development on the site is compatible with the historic character of the surrounding area.*

### **Policy HP 2.7—Mitigating Impacts on Historic Sites**

Development proposals adjacent to or including historic sites should identify and minimize or mitigate any negative development impacts on those sites.

*The National Register historic resources on the site are required to remain by an offered zoning condition. This condition ensures that new development will not entail demolition of these resources. Conditions are also offered that limit negative impacts on the rezoning site and nearby properties by requiring new development to be architecturally congruous with the historic character of the district. Consistency with this policy could be improved by reducing the requested height.*

### **Policy HP 3.2—Retention Over Replacement**

Encourage the preservation and rehabilitation of significant or contributing existing structures, favoring retention over replacement, especially in areas where other historic resources are present.

*The rezoning request will prohibits removal of the contributing historic structures on the rezoning property.*

### **Policy HP 3.4—Context Sensitive Design**

Use the existing architectural and historical character within an area as a guide for new construction.

*The proposed zoning includes conditions requiring materials used in new construction to draw on the historic character. Review by the RHDC Certificate of Appropriateness Committee is required for new construction above the existing buildings. This review will provide additional guidance about context-appropriate design for new construction.*

### **Policy DT 1.6—Supporting Retail Growth**

Encourage the scale and intensity of development needed to strengthen downtown's capacity to support a vibrant retail environment.

*The request is for increased scale and intensity of development that could include residential units. Additional residents in downtown may increase the demand for retail uses.*

### **Policy DT 1.15—High Density Development**

Highest density development should occur along the axial streets (Hillsborough Street, Fayetteville Street and New Bern Avenue), major streets (as identified by the Street Plan), surrounding the squares, and within close proximity to planned transit stations.

*The site is close to Raleigh Union Station. Greater development capacity on the site would support this policy.*

### **Policy DT 3.2—Ground Floor Uses on Secondary Retail Streets**

New development should dedicate at least 50 percent of its linear frontage along the public right-of-way of Secondary Retail Streets as identified on Map DT-6 for ground-floor space designed and constructed for the uses encouraged on primary streets or service retail and professional services including but not limited to: fitness centers, dry cleaners, shoe repair, and medical offices.

*W. Martin Street is a Secondary Retail Street. The proposed zoning allows the intensity of ground-floor uses recommended.*

### **Policy DT 7.2—Maintaining Consistent Setbacks**

New buildings should respond to the existing built character by using similar setbacks and stepbacks to provide a continuous cornice line and consistent street-level pedestrian experience. Along the principal north-south vehicular street pair, Dawson and McDowell Streets, buildings should be set back to provide an approximately 20' wide pedestrian area between the street curb line and the building face.

*The proposed frontage ensures a build-to of 0'-20' for 80% of the primary street frontage and 40% of the side street frontage. This will help to create a consistent streetwall on both streets.*

### **Policy DT 7.3—Streetwalls**

Except as required by code, the placement of buildings along the right-of-way should create a continuous streetwall that defines and accentuates the streets and squares.

*The frontage requested would ensure that any new development continues the existing streetwall for 80% of the primary street frontage and 40% of the side street frontage..*

The rezoning request is **inconsistent** with the following policies:

**Policy LU 5.1—Reinforcing the Urban Pattern**

New development should be visually integrated with adjacent buildings, and more generally with the surrounding area. Quality design and site planning is required so that new development opportunities within the existing urban fabric of Raleigh are implemented without adverse impacts on local character and appearance.

*The allowed height is out of scale with the Depot Historic District and significantly higher than the adjacent buildings. Retaining the existing buildings improves consistency with this policy, but the request does not prohibit a structure that extends over the existing buildings to the right-of-way of W. Martin Street. To increase consistency with this policy, the proposed height should be reduced or height restrictions offered in proximity to adjacent buildings and rights-of-way.*

**Policy LU 7.4—Scale and Design of New Commercial Uses**

New uses within commercial districts should be developed at a height, mass, scale, and design that is appropriate and compatible with surrounding areas.

*The height and scale allowed by the request is not appropriate for the Depot Historic District because the proposed height is not compatible with the surrounding development pattern.*

**Area Plan Policy Guidance**

The rezoning request is **consistent** with the following Area Plan policies:

**Policy AP-DWG 2 – Mixed-Use Development**

Mixed-use development should be the primary form of development in the area with an emphasis on significant new residential growth and a vertical mix of uses in multi-story buildings. Mitigate potential noise and light pollution impacts from new development on adjoining residential properties.

*The proposed zoning allows for vertical mixed use, residential development, and a multi-story building.*

**Policy AP-DWG 4 – Historic Preservation**

Historically significant and contributing structures should be preserved and renovated wherever feasible and not in conflict with other major plan goals. New construction should use the existing architectural and historic character within the area as a guide.

*An offered condition requires the contributing historic resources on the site to remain and requires new development to be congruous with the existing character. The proposal would be more aligned with this policy would be if the requested height was lower.*

### **Policy AP-DWG 11 – Development Character and Design**

New development and redevelopment should reflect the existing scale, character, design, and building to street setbacks found in this historic industrial warehouse area with increased development intensities along Dawson Street. Existing vacant lots and parking lots should be in-filled with appropriate new construction that complements this historic industrial character. Modern buildings that incorporate the flavor of the existing design character of the district are encouraged.

*The height and materials of development on the site are controlled by offered conditions that require new development to incorporate the identified character of the Depot Historic District.*

The rezoning request is **inconsistent** with the following Area Plan policies:

### **Policy AP-DWG 1 – Zoning Consistency**

Map AP-DWG-1 shall be used alongside the Future Land Use Map to evaluate the consistency of all proposed zoning maps amendments within the Downtown West Gateway plan boundaries. Where there is a conflict regarding preferred densities, the guidance in this Area Plan shall control.

*The proposal does not follow the map contained in the Downtown West Gateway area plan which calls for heights of two to four stories on the site. The area plan map is intended to outweigh the Future Land Use map for the review of zoning cases in this area.*

# IMPACT ANALYSIS

## Transportation

### **1. Site Location and Context**

#### *Location*

The Z-36-18 site is located in Downtown Raleigh, within the Depot Historic District, at the corner of West Martin Street and Commerce Place. The site is approximately a ¼ mile east of the North Carolina Railroad (NCRR) and Raleigh Union Station, and less than 500 ft west of Nash Square.

#### *Area Plans*

The Z-36-18 site is located within the Downtown West Gateway Area Plan with the following transportation related policies:

- Policy AP-DWG 5 calls for “broader pedestrian systems.” The plan suggests that this area should develop as a transit hub and downtown destination.
- Policy AP-DWG 7 highlights Hargett and Martin streets as main connectors between transit centers.
- Policy AP-DWG 12, in which it indicates that streetscape improvements such as curbing, landscaping, and lighting should be sensitive to the history of the district.

### **2. Other Projects in the Area**

The Z-36-18 site is located southeast of Raleigh Union Station Phase 2: RUS Bus Station. South West Street, which is less than a ¼ mile west of the site, is planned to be extended under the railroads to improve connectivity between Downtown Raleigh and Boylan Heights. This project is budgeted in the Capital Improvement Program (CIP) as the “West Street Extension – South.”

### **3. Existing and Planned Infrastructure**

#### *Streets*

The site fronts West Martin Street and has approximately 12 feet of frontage on West Davie Street, which are specified as Main Street, Parallel Parking in the Raleigh Street Plan. It also fronts Commerce Place. All three streets are maintained by the City of Raleigh.

In accordance with UDO section 8.3.2, the maximum block perimeter for DX zoning districts of any height is 2,000 feet. The existing block perimeter, bound by W Martin Street, S Dawson Street, W Davie St and Commerce Place is approximately 1,330 feet.

#### *Pedestrian Facilities*

There are sidewalks along the frontage of the site on W Martin Street, but not Commerce Place. There is existing sidewalk on the opposing side of Commerce Place. There were two pedestrian crashes with possible injuries at the intersection of S Dawson and West Martin Street between 2007 and 2015.

### *Bicycle Facilities*

There are no existing bicycle facilities along the site. The Priority and Long-Term Bikeway Plans call for a separated bikeway on W Martin Street. There are two planned bikeshare stations within a ¼ mile of the site; one near Raleigh Union Station and at the intersection of Davie and Dawson Streets. The West Street Cycletrack project, currently in design. There were two bicycle crashes on West Martin Street between Commerce Place and South Dawson Street between 2007 and 2015.

### *Transit Facilities*

The site is located near a growing transit hub with proximity to rail and bus service via Raleigh Union Station. Intercity passenger train service is provided by Amtrak. The Wake Transit Plan includes proposed commuter rail and BRT routes are under study. There are nearby bus stops served by GoRaleigh Routes 11, 7, 8, 13, 21, the R-line and GoTriangle Route 300.

### *Access*

Access to the subject site may be from any of the surrounding streets.

## **4. TIA Determination**

Approval of Z-36-18 may result in an additional 77 vehicle trips during the PM peak hour. This is below the threshold for requiring a Traffic Impact Analysis (TIA). TIAs are not required within the DX zoning district.

Z-36-2018 Existing Land Use	Daily	AM	PM
Office	333	40	39
Z-36-2018 Current Zoning Entitlements	Daily	AM	PM
Residential, Retail & Office	983	102	108
Z-36-2018 Proposed Zoning Maximums	Daily	AM	PM
Residential, Retail & Office	1,717	179	185
Z-36-2018 Trip Volume Change (Proposed Maximums minus Current Entitlements)	Daily	AM	PM
	<b>734</b>	<b>78</b>	<b>77</b>

There were 33 crashes at the intersection of Martin and Dawson Streets between 2015 and 2017, with one serious or fatal injury. The intersection has a severity index of 3.86.

A traffic study is not required for case Z-36-18.

**Impact Identified:** The proposal would allow development that could increase vehicular traffic on the local street network.

Transit

1. Downtown Raleigh is the major bus hub in Raleigh for both GoRaleigh and GoTriangle. While most services terminate at or near GoRaleigh Station near Moore Square, nearly all of downtown is considered easily accessible to the transit network. The closest GoRaleigh routes are the 7, 8, 13, 21, and R-Line, as well as GoTriangle routes 300 and 305. Existing bus routes have stops on South Dawson Street and West Martin Street along the frontage of this site.
2. City Staff is in the process of developing a new downtown bus network alignment through a study led by Kimley Horn. There may be changes in the future to downtown routing but accessibility to the network will not change. BRT service is proposed within ½ mile of the site, as well as changes to the overall network.
3. The site does not meet the requirements for providing a transit stop as defined in UDO Section 8.11 Transit Infrastructure because it is in the DX district. A transit stop will not be required at time of site review.

**Impact Identified:** The site is well-served by transit.

Hydrology

<i>Floodplain</i>	No special flood hazard areas present
<i>Drainage Basin</i>	Rocky
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	No watershed district

**Impact Identified:** No impacts identified. No downstream structural flooding.

Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	22,000 gpd	42,500 gpd
<i>Waste Water</i>	22,000 gpd	42,500 gpd

**Impact Identified:**

1. The proposed rezoning would add approximately 42,500 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area.
2. At the time of development plan submittal, a Downstream Sewer Capacity Study may be required to determine adequate capacity to support the proposed development. Any improvements identified by the study would be required to be permitted prior to the issuance of Building Permit & constructed prior to release of a Certificate of Occupancy.
3. Verification of water available for fire flow is required as part of the Building Permit process. Any water system improvements recommended by the analysis to meet fire flow requirements will also be required of the Developer.

*Parks and Recreation*

1. This site is not directly impacted by any existing or proposed greenway trails, corridors, or connectors.
2. Nearest existing park access is provided by Nash Square Park (200 feet) and Raleigh Municipal Green (0.2 miles).
3. Nearest existing greenway trail access is provided by Rocky Branch Trail (0.8 miles).
4. Park access level of service in this area is graded an A letter grade.
5. This area is not considered a high priority for park land acquisition.

**Impact Identified:** The site is well-served by City park facilities.

*Urban Forestry*

1. The site is currently less than 2 acres in size and a development plan of less than 2 acres would not be required to provide tree conservation areas per UDO 9.1.

**Impact Identified:** None.

*Designated Historic Resources*

1. The properties at 307-309 W. Martin and 311-313 W. Martin were given contributing status when the National Register Depot Historic District was designated. 307-309 W Martin is known as the McRae Company, Inc and U.S. Tire Company. It was built c.1926 and retains its original storefronts and garage bay. 311-313 W Martin is known as the Dunn Bros. Building and was built c. 1916. It retains many original architectural features: granite trim, decorative parapet cornices, and storefronts.



2. The proposed rezoning will be referred to the Raleigh Historic Development Commission for review and comment.

**Impact Identified:** Awaiting RHDC review.

### Community Development

The site is not located within a designated Redevelopment Plan area.

**Impact Identified:**

### Impacts Summary

The request would negatively impact the character of the Depot Historic District because of the disparity between the proposed height and the context of the district. This impact is mitigated by conditions requiring new construction to reflect the historic character. Vehicle trips on nearby streets may increase as a result of the proposal.

### Mitigation of Impacts

The applicant may amend the application to a lower allowed height. The applicant may also add conditions to require a defined stepback from W. Martin Street.

## CONCLUSION

This case proposes to allow an additional seven stories of development on a site in the southwest quadrant of downtown Raleigh. The proposal would retain the frontage on the site, maintaining the quality of the pedestrian experience. The request is consistent with the Future Land Use Map and consistent with the Comprehensive Plan. Policies calling for additional density near transit stations and pedestrian-friendly urban form are supported by the proposed zoning.

Inconsistent Comprehensive Plan policies are based on the proposed height, which is significantly taller than the Downtown West Gateway plan recommends. The Downtown West Gateway plan's policy guidance explicitly supersedes the Future Land Use Map.

The requested height increase would allow development that is out of character in the Depot Historic District. This impact is mitigated somewhat by the offered zoning conditions requiring retention of historic structures. The visual impact on the district is also mitigated the conditions requiring materials to match the historic character and COA committee review of construction above the existing buildings. Additional policy consistency could be gained by reducing the requested height and offering a condition providing for a defined stepback from W. Martin Street.

### *CASE TIMELINE*

<i>Date</i>	<i>Action [change to requested district, revised conditions, etc.]</i>	<i>Notes</i>
12/3/2018	Application submitted	
1/18/2019	Revised conditions submitted	

## APPENDIX

### Surrounding Area Land Use/ Zoning Summary

	<i>SUBJECT PROPERTY</i>	<i>NORTH</i>	<i>SOUTH</i>	<i>EAST</i>	<i>WEST</i>
Existing Zoning	Downtown Mixed Use	Downtown Mixed Use	Downtown Mixed Use	Downtown Mixed Use	Downtown Mixed Use
Additional Overlay	None	None	None	None	None
Future Land Use	Community Mixed Use	Central Business District	Community Mixed Use	Community Mixed Use, Central Business District	Community Mixed Use
Current Land Use	Commercial	Office	Commercial	Commercial	Light Manufacturing
Urban Form (if applicable)	Downtown	Downtown	Downtown	Downtown	Downtown

### Current vs. Proposed Zoning Summary

	<i>EXISTING ZONING</i>	<i>PROPOSED ZONING</i>
Zoning	DX-5-SH	DX-12-SH-CU
Total Acreage	0.99	0.99
Setbacks:		
Front:	0'-20' (SH build-to)	0'-20' (SH build-to)
Side:	0' or 6'	0' or 6'
Rear:	0' or 6'	0' or 6'
<i>Residential Density:</i>	91 dua.	180 dua.
<i>Max. # of Residential Units</i>	90	135
<i>Max. Gross Building SF (if applicable)</i>	116,000	174,000
<i>Max. Gross Office SF</i>	85,800	135,500
<i>Max. Gross Retail SF</i>	23,500	23,500
<i>Max. Gross Industrial SF</i>	36,400	36,400
<i>Potential F.A.R</i>	2.7	4.1

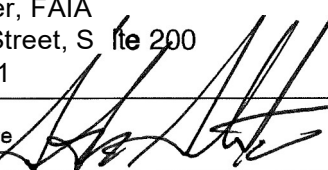
\*The development intensities for proposed zoning districts were estimated using an impact analysis tool. The estimates presented are only to provide guidance for analysis.

# Rezoning Application



Department of City Planning | 11 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2682

REZONING REQUEST					OFFICE USE ONLY	
D General Use	Iii Conditional Use	D Master Plan			Transaction #	
Existing Zoning Base District	<b>DX</b>	Height	5	Frontage	<b>SH</b>	Overlay(s) <u>n</u> / <u>a</u> <u>  </u>
Proposed Zoning Base District	<b>DX</b>	Height	<b>12</b>	Frontage	<b>SH</b>	Overlay(s) <u>C</u> / <u>U</u> <u>  </u>
Click <a href="#">here</a> to view the Zoning Map. Search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.						
If the property has been previously rezoned, provide the rezoning case number:						
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences:						
<b>574535</b>						

GENERAL INFORMATION		
Date	<b>20 Nov 2018</b>	Date Amended (1) <span style="float: right;">Date Amended (2)</span>
Property Address	<b>307/309/311/313 W. Martin Street</b>	
Property PIN	<b><u>1703575747</u></b>	Deed Reference (book/page) <b><u>010524/00475</u></b>
Nearest Intersection	<b>West Martin Street/ Commerce Place</b>	
Property Size (acres)	<b>99</b>	(For PD Applications Only) Total Units <span style="float: right;">Total Square Feet</span>
Property Owner/Address	Phone <b>919.821.2775</b> Fax <b>919.821.0804</b> Email <b>sschuster@clearscapes.com</b>	
Project Contact Person/Address	Phone <b>919.821.2775</b> Fax <b>919.821.Q8Q4</b> Email <b>sschuster@clearscapes.com</b>	
Owner/Agent Signature	 Email <b>sschuster@clearscapes.com</b>	

A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved .

**CONDITIONAL USE DISTRICT ZONING CONDITIONS**

Zoning Case Number <b>Z-36-18</b>	<b>OFFICE USE ONLY</b>  Transaction #  Rezoning Case #
Date Submitted <b>14 Mar 2019</b>	
Existing Zoning <b>DX-5-SH</b> Proposed Zoning <b>DX-12-SH-CU</b>	

**Narrative of Zoning Conditions Offered**

- Existing buildings, named as contributing structures to the Depot National Register Historic District, shall remain and be maintained as
1. occupiable on the property. All exterior walls and wall features including those not directly fronting the right-of-way shall remain in place. Loading docks, on the rear of the property, not fronting a right-of-way may be removed.
  2. Existing historic structures may be removed from the property in the event of disaster or unintentional damage, should repairs exceed 50% of the total assessed tax value of the building impacted by the event. Structures replacing a historic building shall be constructed with similar materials as those replaced. Refer to Condition #4 for additional description of materials. Prior the release of a building permit, the proposed replacement shall be reviewed by the Certificate of Appropriateness committee of the Raleigh Historic Development Commission.
  3. The maximum height within the footprint of the existing structures, or, within 123' of the right-of-way of West Martin Street, shall be 5 stories. Prior to the completion of Site Plan Approval any additional stories added to the existing buildings shall be reviewed by the Certificate of Appropriateness committee of the Raleigh Historic Development Commission.
  4. Exterior materials of all new construction, visible from any right-of-way, shall be comprised of similar materials to those found as part of other contributing structures of the Depot National Register Historic District.
  5. Social Service uses are not permitted.
  6. Adult Establishment and Pawnshop uses are not permitted.
  7. Self-Service Storage and Vehicle Repair uses are not permitted.
  8. One (1) Dog Waste Station shall be provided in the open amenity area.
  9. 50% of the required Open Amenity Area square footage, located between the existing and new buildings, shall be open to the public.
  10. Internal light sources within structured parking shall not be visible from the adjacent public right-of-way.

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature \_\_\_\_\_ Print Name **Steven D. Schuster**

<b>REZONING APPLICATION ADDENDUM #1</b>	
<b>Comprehensive Plan Analysis</b>	<b>OFFICE USE ONLY</b>
The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive Plan, or that the request be reasonable and in the public interest.	Transaction #  Rezoning Case#
<b>STATEMENT OF CONSISTENCY</b>	
Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map, and any applicable policies contained within the 2030 Comprehensive Plan.	
<p>The property is located in Downtown, identified in the Future Land Use Map as Community Mixed Use. This type of use has been identified in supporting building heights up to 12 stories in TOD areas. Raleigh Union Station, a planned future GoRaleigh bus station make this existing district function like a TOD.</p>	
<p>The Urban Form map locates the property with the Downtown Center in which an urban frontage is encouraged. Half the property is presently surface parking, effectively making this an infill parcel adding density, consistent with the downtown character, to the district.</p>	
<p>HP 2.4: Protecting Historic Neighborhoods: The existing historic buildings on the property would be protected while allowing denser, compatible infill on the open, undeveloped portion of the parcel.</p>	
<p>OT 4.1: Encouraging Downtown Housing : Additional density will afford the parcel capacity to support housing as the market demands.</p>	
<b>PUBLIC BENEFITS</b>	
Provide brief statements regarding the public benefits derived as a result of the rezoning request.	
<p>HP 1.1: Stewardship of Place - Additional density will allow the existing historic structures to remain in place, maintaining important contributions to the National Register Historic District.</p>	
<p>DT 1.3: Underutilized Sites in Downtown - The redevelopment of the surface parking lot which comprises approximately 1/2 of parcel will provide for additional amenities serving the neighborhood and Downtown</p>	
<p>DT 1.4: Redevelopment around Raleigh Union Station - The parcel is underutilized with over 1/2 of its area a surface parking lot. Additional height on this portion of the parcel supports Policy HP 1.1 in maintaining historic building stock that would normally be under pressure for redevelopment.</p>	
<p>DT 1.18: High Density Public Realm - Publicly Accessibly Open space will opportunities for public art, seating, etc. will compliment and foster a vibrant street life and cultural activities in the district. Public art will be provided.</p>	

**REZONING APPLICATION ADDENDUM #2**

**Impact on Historic Resources**

The applicant is asked to analyze the impact of the rezoning request on historic resources. For the purposes of this section, a historic resource is defined as any site, structure, sign, or other feature of the property to be rezoned that is listed in the National Register of Historic Places or designated by the City of Raleigh as a landmark or contributing to a Historic Overlay District.

**OFFICE USE ONLY**

**Transaction #**

**Rezoning Case #**

**INVENTORY OF HISTORIC RESOURCES**

List in the space below all historic resources located on the property to be rezoned. For each resource, indicate how the proposed zoning would impact the resource .

307-309: Intact Craftsman style 2-story brick building built for sales and storage for McRae notions company and the U.S. Tire Co. Retains two original storefronts with an original garage bay In #307 and continuous 1/1 sash windows with transoms on upper facade. Impact: Buildings would remain with an additional 1 to 2 floors setback, meeting Secretary of the Interior Standards for Rehabilitation .

311-313: Intact 2-story brick flat-roofed building with 1st floor sales offices, storage on second floor. Retains 2 original storefronts, continuous 1/1 wood sash windows, decorative brick parapet roof cornices and granite trim. The side elevation on Commerce St. contains segmental-arched windows with original wooden sash downstairs and replacement sash upstairs. Built for Dunn Bros. wholesale grocery, which operated here until at least 1927. Impact: Buildings would remain with an additional 1 to 2 floors setback, meeting Secretary of the Interior Standards for Rehabilitation.

In order to accommodate required on-site parking, the rear loading docks may be removed.

**PROPOSED MITIGATION**

Provide brief statements describing actions that will be taken to mitigate all negative impacts listed above.

**None.**

**DESIGN**

The applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan if:

- a) The property to be rezoned is within a "City Growth Center" or "Mixed-Use Center", Q!
- b) The property to be rezoned is located along a "Main Street" or "Transit Emphasis Corridor"

as shown on the Urban Form Map in the 2030 Comprehensive Plan.

Urban Form Designation: N/A

Click [here](#) to view the Urban Form Map.

<b>1.</b>	<p><i>All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other such uses as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian friendly form.</i></p> <p><b>Response:</b></p> <p>See attached summary for comments in regards to the Comprehensive Plan Downtown Raleigh Design Guidelines Table DT-1</p>
<b>2.</b>	<p><i>Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing.</i></p> <p><b>Response:</b></p> <p>See attached summary for comments in regards to the Comprehensive Plan Downtown Raleigh Design Guidelines Table DT-1</p>
<b>3.</b>	<p><i>A mixed use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial.</i></p> <p><b>Response:</b></p> <p>See attached summary for comments in regards to the Comprehensive Plan Downtown Raleigh Design Guidelines Table DT-1</p>
<b>4.</b>	<p><i>Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.</i></p> <p><b>Response:</b></p> <p>See attached summary for comments in regards to the Comprehensive Plan Downtown Raleigh Design Guidelines Table DT-1</p>
<b>5.</b>	<p><i>New development should be comprised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets.</i></p> <p><b>Response:</b></p> <p>See attached summary for comments in regards to the Comprehensive Plan Downtown Raleigh Design Guidelines Table DT-1</p>



6.	<p><i>A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.</i></p> <p><b>Response:</b></p> <p>See attached summary for comments in regards to the Comprehensive Plan Downtown Raleigh Design Guidelines Table DT-1</p>
7.	<p><i>Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.</i></p> <p><b>Response:</b></p> <p>See attached summary for comments in regards to the Comprehensive Plan Downtown Raleigh Design Guidelines Table DT-1</p>
8.	<p><i>If the site is located at a street intersection, the main building or main part of the building should be placed at the corner. Parking, loading or service should not be located at an intersection.</i></p> <p><b>Response:</b></p> <p>See attached summary for comments in regards to the Comprehensive Plan Downtown Raleigh Design Guidelines Table DT-1</p>
9.	<p><i>To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.</i></p> <p><b>Response:</b></p> <p>See attached summary for comments in regards to the Comprehensive Plan Downtown Raleigh Design Guidelines Table DT-1</p>
10.	<p><i>New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.</i></p> <p><b>Response:</b></p> <p>See attached summary for comments in regards to the Comprehensive Plan Downtown Raleigh Design Guidelines Table DT-1</p>
11.	<p><i>The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafes, and restaurants and higher-density residential.</i></p> <p><b>Response:</b></p> <p>See attached summary for comments in regards to the Comprehensive Plan Downtown Raleigh Design Guidelines Table DT-1</p>
12.	<p><i>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</i></p> <p><b>Response:</b></p> <p>See attached summary for comments in regards to the Comprehensive Plan Downtown Raleigh Design Guidelines Table DT-1</p>

13.	<p><i>New public spaces should provide seating opportunities.</i>  <b>Response:</b></p> <p>See attached summary for comments in regards to the Comprehensive Plan Downtown Raleigh Design Guidelines Table DT-1</p>
14.	<p><i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i>  <b>Response:</b></p> <p>See attached summary for comments in regards to the Comprehensive Plan Downtown Raleigh Design Guidelines Table DT-1</p>
15.	<p><i>Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.</i>  <b>Response:</b></p> <p>See attached summary for comments in regards to the Comprehensive Plan Downtown Raleigh Design Guidelines Table DT-1</p>
16.	<p><i>Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.</i>  <b>Response:</b></p> <p>See attached summary for comments in regards to the Comprehensive Plan Downtown Raleigh Design Guidelines Table DT-1</p>
17.	<p><i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i>  <b>Response:</b></p> <p>See attached summary for comments in regards to the Comprehensive Plan Downtown Raleigh Design Guidelines Table DT-1</p>
18.	<p><i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i>  <b>Response:</b></p> <p>See attached summary for comments in regards to the Comprehensive Plan Downtown Raleigh Design Guidelines Table DT-1</p>
19.	<p><i>All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i>  <b>Response:</b></p> <p>See attached summary for comments in regards to the Comprehensive Plan Downtown Raleigh Design Guidelines Table DT-1</p>

20.	<p><i>It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i></p> <p><b>Response:</b></p> <p>See attached summary for comments in regards to the Comprehensive Plan Downtown Raleigh Design Guidelines Table DT-1</p>
21.	<p><i>Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</i></p> <p><b>Response:</b></p> <p>See attached summary for comments in regards to the Comprehensive Plan Downtown Raleigh Design Guidelines Table DT-1</p>
22.	<p><i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping , lighting and street sight distance requirements.</i></p> <p><b>Response:</b></p> <p>See attached summary for comments in regards to the Comprehensive Plan Downtown Raleigh Design Guidelines Table DT-1</p>
23.	<p><i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</i></p> <p><b>Response:</b></p> <p>See attached summary for comments in regards to the Comprehensive Plan Downtown Raleigh Design Guidelines Table DT-1</p>
24.	<p><i>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.</i></p> <p><b>Response:</b></p> <p>See attached summary for comments in regards to the Comprehensive Plan Downtown Raleigh Design Guidelines Table DT-1</p>
25.	<p><i>The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.</i></p> <p><b>Response:</b></p> <p>See attached summary for comments in regards to the Comprehensive Plan Downtown Raleigh Design Guidelines Table DT-1</p>
26.	<p><i>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</i></p> <p><b>Response:</b></p> <p>See attached summary for comments in regards to the Comprehensive Plan Downtown Raleigh Design Guidelines Table DT-1</p>

## Downtown Raleigh Design Guidelines

The downtown urban design guidelines constitute a set of principles that guide the review of private development in the downtown district. The general purpose of the guidelines is to create a built environment. They give direction regarding building form, ground floor design, location and screening of parking, service and mechanical functions, and the design and location of signage. Those guidelines marked "FG" serve as the principles for reviewing and approving facade grant applications.

Section	Statement
DT 7.18	The design guidelines in Table DT-1 shall be used to review rezoning, alternative means of compliance, special use permits, and planned development master plan applications in the downtown.
DT 7.19	Development projects in the downtown should implement and be consistent with the design guidelines in Table DT-1 to the maximum extent practicable

**TABLE DT-1 Guidelines**

1	Not Applicable
2	Loading and Service Entrances will be consolidated with on-site structured parking
3	<b>Not Applicable</b>
4	Mechanical Equipment and other utilitarian equipment will be screened per UDO requirements (so long as consistent with the Secretary for Interior Standards for Rehabilitation.)
5	Vehicular access is available to the parcel from three streets: The existing Dawson and Davie Street entrances are a complimentary couple comprised of a single lane curb cut. One will serve as a vehicular entrance and the other as the exit. Access from Commerce Place will be to structured parking and minimized.
6	The entrance to new development will be emphasized with unique architectural features
7	The existing buildings meet this guideline. New development will also <i>have</i> building entrances along the storefront.
8	Building entrances to retail, restaurant will be at grade. Upper level occupancies will be accessed through a lobby at grade.
9	Architectural detail will be most articulated where people are in contact with the building, at street level and <u>directly from any open space:</u>
10	No roll-down security grates are required
11	Facade massing will be modulated so as to not be monolithic.
12	Ground floor walls will be articulated as much as the limited street exposure on Commerce Place allows.
13	The articulation of the new facades will be sensitive to the existing historic structures on the parcel
14	Entrance to the building's upper floors will be clearly defined and unique to distinguish it from other ground level uses.
15	Entrance(s) will be recessed from the City Right of Way
16	Ground floor glazing will be transparent and comprise a minimum of 2/3 of the first story facade.

17	The existing buildings are comprised of windows that can be utilized to display products, services and activities within the spaces within
18	Not Applicable
19	Lower Ceilings will be set back accordingly from the height of facade windows.
20	Awnings may be used to compliment recessed entrance from the City Right of Way (see Guideline #15 above)
21	Not Applicable
22	Not Applicable
23	Outdoor ground planes will be composed of durable, safe and accessible material complimenting the existing and new buildings.
24	Required Open Space will be utilize landscape and public art to animate and make inviting the space.
25	Walls will be parallel to the orientation of the street grid.
26	The building form will be articulated to relate to the smaller scale of the adjacent buidlings.
27	Not Applicable
28	Public Art will be integrated as part of the Open Space.
29	Use of fencing will be minimal and limited to the interior of the block.
30	Use of fencing will be minimal and limited to the interior of the block.
31	Use of fencing will be minimal and limited to the interior of the block.
32	Street Frontage is limited to Commerce Place where no adjacent Fa9ade Grant buildings exist.
33	Not Applicable (non-governmental)
34	The entrance to new development will be emphasized with unique architectural features
35	Building materials and their arrangement will be sensitive to the historic context of the neighborhood and the existing buildings on the site.
36	Building materials and their arrangement will be sensitive to the historic context of the neighborhood and the existing buildings on the site.
37	Not Applicable
38	A minimum of 35% of each upper story will be windows.
39	Not applicable (new building will not front an intersection).

- No
- 40 Not applicable (new building will not front an intersection).
  - 41 New Building setbacks will be incorporated accordingly.
  - 42 The building form will be articulated to relate to the smaller scale of the adjacent historic buildings and neighborhood character.
  - 43 Signage will take building and street scale and neighborhood heritage into consideration when developing its scale, style and composition.
  - 44 Tenant signage will be encouraged to be diverse and creative.
  - 45 Mechanical or lit signage will have mechanisms concealed.
  - 46 Signs will not compete nor obscure any of the building's architectural features.
  - 47 Signage will be durable and meet the Raleigh Signage ordinance requirements.
  - 48 Signage will be located thoughtfully in relationship ground floor storefront so as to not obscure building transparency.
  - 49 Signage text will be limited to business or building name, logo and/or building address.
  - 50 Should illuminated signage be desired, colors as noted shall be avoided.
  - 51 Signage will be of approved sign types only.
  - 52 Signage will be of approved sign types only.

Date:

Re: (site location)

Neighboring Property Owners:

You are invited to attend a neighborhood meeting on \_\_\_ (date) \_\_\_. The meeting will be held at \_\_\_ (location) \_\_\_ and will begin at \_\_\_ (time) \_\_\_.

The purpose of this meeting is to discuss a potential rezoning of the property located at \_\_\_ (site address) \_\_\_. This site is current zoned \_\_\_ (zoning) \_\_\_ and is proposed to be rezoned to \_\_\_ \_  
(Please provide any relevant details regarding the request.)

The City of Raleigh requires that prior to the submittal of any rezoning application, a neighborhood meeting involving the property owners within 500 feet of the area requested for rezoning.

If you have any concerns or questions I (we) can be reached at:

For more information about rezoning, you may visit [www.raleighnc.gov](http://www.raleighnc.gov) or contact the Raleigh City Planning Department at:

(919) 996-2682  
rezoning@raleighnc.gov

Thank you

At least 10 days prior to the meeting date with the owners of property, the applicant shall notify the owners of property about the meeting; notice shall be by first class mail or certified mail return receipt. If notification is to be by first class mail, the applicant shall deliver the sealed, addressed, stamped envelopes to Planning & Development prior to the aforementioned 10 day period. If notification is to be by certified mail return receipt, copies of the return receipts shall be given to Planning & Development at time of application submittal.

SUBMITTED DATE: \_\_\_\_\_

**TRANSMITTAL**

via:  UPS  Mail  Overnight  Hand delivery  Email

**Project:** 307 West Martin Street -Rezoning

Raleigh, NC

**Number:** 2018-0110

**Date:** 30 November 2018

**From:** Jon Zellweger, Clearscapes

**To:** Kyle Little  
Planner I  
Raleigh Department of City Planning  
One Exchange Plaza, Suite 300  
Raleigh NC, 27601  
919-996-2180

**We are sending you:**

Copies	Date	Description
1	20 Nov 2018	Completed Conditional Use Rezoning Application incl. owner-signed conditional use conditions
1	-	Summary of responses for Comprehensive Plan Table DT-1
1	26 Oct 2018	Record of Pre-Application Conference
1	26 Oct 2018	Meeting minutes from Pre-Application Conference
2 sets	stamped	Addressed envelopes with pre-paid postage with Letter of Notification enclosed

- For approval       For your file/use       For review/ comment       As requested  
 For bids due       For distribution       Change Order       \_\_\_\_\_

**Remarks:** Kyle,

Thanks for your assistance in getting this package together. As owner's agent, we are paying by credit card today at Development Services. In lieu of the CD or flash drive, I am sending all but the envelopes electronically to you as well. It would be helpful to have a record of the email's receipt if you can email me please.

Please let me know if you have any questions.

Thank you,

*ctY*  
Jon Zellweger  
Project Architect



**4 DH Partnership  
311 - 200 W. Martin Street  
Raleigh, North Carolina 27601  
Phone: 919.821.2775**

30 October 2018

**Re: 307/309/311/313 West Martin Street**

Neighboring Property Owners:

You are invited to attend a neighborhood meeting on Thursday, November 15, 2018. The meeting will be held at 309 ½ West Martin Street which is on the second floor above VAE, accessed from the rear parking lot/loading dock. The meeting will begin at 7:00 pm.

The purpose of this meeting is to discuss a potential rezoning of the property at the meeting location: 307/309/311/313 West Martin Street. This site is current zoned DX-5-SH and is proposed to be rezoned to DX-12-SH. The owners are the founding partners of Clearscapes who have owned and lived at the property for more than (30) years. The Clearscapes Office and Studios are also located here.

The City of Raleigh requires that prior to the submittal of any rezoning application, a neighborhood meeting is held involving the property owners within 500 feet of the area requested for rezoning.

If you have any concerns or questions we can be reached at: 919.821.2775. Please ask for Steve Schuster. Emails can be sent to [sschuster@clearscapes.com](mailto:sschuster@clearscapes.com)

For more information about rezoning, you may visit [www.raleighnc.gov](http://www.raleighnc.gov) or contact the Raleigh City Planning Department at:

(919)996-2682  
[rezoning@raleighnc.gov](mailto:rezoning@raleighnc.gov)

Thank you

Sincerely,

**4DH Partnership**



Steven D. Schuster, FAIA  
Principal

## SUMMARY OF ISSUES

A neighborhood meeting was held on November 15<sup>th</sup> 2018 (date) to discuss a potential rezoning located at **307 /309/311 /313 W. Martin Street** (property address).

The neighborhood meeting was held at **3091/2 W. Martin Street** (location).

There were approximately **Seven (7)** (number) neighbors in attendance. The general issues discussed were:

### Summary of Issues:

Neighborhood is in transition from low-scale historic warehouses to taller, more dense, mixed-use with many contributing structures to the National Register Historic District in jeopardy.
The two contributing historic buildings on this site are important fabric which help define the character of the Warehouse district.
Greater density and mixed-use support the goal for T.O.D. in the Warehouse District with Raleigh Union Station now operation and GoTriangle's regional bus facility being planned.
Given the economic reality of land costs in the Warehouse District, maintaining the existing low-scale historic buildings require greater height in the new construction, especially when embedded parking is included.
Introduction of public art is appropriate tool to celebrate the rich heritage of the Warehouse District.
High quality open space between the existing historic building and the new construction can facilitate a "cross-century conversation" between the old and new components.

**ATTENDANCE ROSTER**

<b>NAME</b>	<b>ADDRESS</b>
Steve Schuster	313-204 W. Martin Street
Thomas Sayre	313-201 W. Martin Street
Jon Zellweger	603 Holden Street
Mary Anne Howard	313-204 W. Martin Street
Joan Ellen Deck	313-201 W. Martin Street
Gab Smith	409 W. Martin Street
Brad Johnson	540 S. Person Street

TO BE COMPLETED BY APPLICANT					
General Requirements - General Use or Conditional Use Rezoning	YES	NIA			N/A
1. I have referenced this <b>Rezoning Checklist</b> and by using this as a guide, it will ensure that I receive a complete and thorough first review by the City of Raleigh	0	<input type="checkbox"/>			
2. Rezoning application review fee (see Fee Schedule for rate) <b>1.11D</b>	0	<input type="checkbox"/>	<b>V</b>		
3. Completed application; Include electronic version via cd or flash drive	0				
4. Two sets of stamped envelopes addressed to all property owners within 500 feet of property to be rezoned	0	<input type="checkbox"/>			
5. Pre-Application Conference	0	<input type="checkbox"/>			
6. Neighborhood Meeting notice and report	0	<input type="checkbox"/>			
7. Trip Generation Study	<input type="checkbox"/>	0			
8. Traffic Impact Analysis	<input type="checkbox"/>	0			<b>V</b>
9. Completed and signed zoning conditions	0	<input type="checkbox"/>			
10. Completed Comprehensive Plan Consistency Analysis	<input type="checkbox"/>	0			
11. Completed Response to the Urban Design Guidelines	<input type="checkbox"/>	0			
12. For applications filed by a third party, proof of actual notice to the property owner	<input type="checkbox"/>	0			
13. Master Plan (for properties requesting Planned Development or Campus District)	<input type="checkbox"/>	0			<b>V</b>

TO BE COMPLETED BY APPLICANT					
General Requirements - Master Plan	YES	N/A			
1. I have referenced the <b>Master Plan Checklist</b> and by using this as a guide, it will ensure that I receive a complete and thorough first review by the City of Raleigh	<input type="checkbox"/>	0			
2. Total number of units and square feet	<input type="checkbox"/>	0			
3. 12 sets of plans	<input type="checkbox"/>	0			
4. Completed application; Include electronic version via cd or flash drive	<input type="checkbox"/>	0			
5. Vicinity Map	<input type="checkbox"/>	0			
6. Existing Conditions Map	<input type="checkbox"/>	0			
7. Street and Block Layout Plan	<input type="checkbox"/>	0			
8. General Layout Map/Height and Frontage Map	<input type="checkbox"/>	0			
9. Description of Modification to Standards, 12 sets	<input type="checkbox"/>	0			
10. Development Plan (location of building types)	<input type="checkbox"/>	0			
11. Pedestrian Circulation Plan	<input type="checkbox"/>	0			
12. Parking Plan	<input type="checkbox"/>	0			
13. Open Space Plan	<input type="checkbox"/>	0			
14. Tree Conservation Plan (if site is 2 acres or more)	<input type="checkbox"/>	0			
15. Major Utilities Plan/Utilities Service Plan	<input type="checkbox"/>	0			
16. Generalized Stormwater Plan	<input type="checkbox"/>	0			
17. Phasing Plan	<input type="checkbox"/>	0			
18. Three-Dimensional Model/renderings	<input type="checkbox"/>	0			
19. Common Signage Plan	<input type="checkbox"/>	0			

# Pre-Application Conference

(this form must be provided at the time of formal submittal)



**DEVELOPMENT  
SERVICES  
DEPARTMENT**

**Development Services Customer Service Center** 11 Exchange Plaza, Suite 400 | Raleigh, NC 27601 | 919-996-2495 | efax 919-996-1831  
**Litchford Satellite Office** | 8320-130 Litchford Road | Raleigh, NC 27601 | 919-996-4200

## PROCESS TYPE

**D Board of Adjustment**

**D Comprehensive Plan Amendment**

**[j] Rezoning**

**D Site Review\***

**D Subdivision**

**D Subdivision (Exempt)**

**D Text Change**

\* Optional conference

## GENERAL INFORMATION

Date Submitted 19 October 2018

Applicant(s) Name Steven D. Schuster

Applicant's Mailing Address 311 West Martin Street, Suite 200, Raleigh, NC 27601

Phone 919.821.2774

Email sschuster@clearscapes.com

**Property PIN #**1703575747

Site Address/ Location 307 West Martin Street, Raleigh, NC 27601

**Current Zoning** DX-5-SH

**Additional Information (if needed) :**

Proposed zoning request: DX-12-SH

## OFFICE USE ONLY

Transaction # : 574535

Date of Pre-Application Conference : 10/26/18

Staff Signature



# Pre-Application Conference Meeting Record

Transaction#: **574535** Meeting Date & Time: 01/26/18

Location: One Exchange Plaza 3rd Floor Nash Conference

Attendees: Sara Ellis, Keith Tew, Ana Mabel, Steve Schoster,  
Collette Kinane, John Adgnost

Parcels discussed (address and/or PIN): 307 WMartin St

Current Zoning: DX 5-9H

Potential Re-Zoning: DX-12-SH-CU

CAC Chair/Co-Chair Information: Central CAC Marquita Mbonu marquita.mbonu@raleighnc.gov

General Notes: The historic buildings are currently on the site.  
There is access to all 4 streets surrounding the property  
via frontage or easement. The applicant is requesting 12  
stories. The applicant would preserve the existing buildings  
on site. There was a property recently 1X-12 to the south  
of this site. There is height guidance in the Downtown West gateway  
Area Plan for 4 stories for this area. The Future Land Use Map

<p>Department &amp; Staff</p> <p><b>Development Services</b></p> <p><u>Justin Rametta</u> <u>Justin.Rametta@raleighnc.gov</u> <u>919-996-2665</u></p> <p><u>Mike Walters</u> <u>Michael.Walters@raleighnc.gov</u> <u>919-996-2636</u></p> <p><u>Walt Fulcher</u> <u>Walt.Fulcher@raleighnc.gov</u> <u>919-996-3517</u></p>
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<p>Notes</p> <p><u>designates the site as Community Mixed</u> <u>Use. Could condition in design standards</u> <u>or elements as part of the request. Could</u> <u>condition out certain uses. The RDHC may</u> <u>have comments related " " " " "</u></p> <p>UDO Sections:</p>
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